

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVIN MICHAEL KNOPE,

Plaintiff,

v.

MATTHEW KENNY,

Defendant.

ORDER

Case No. 17-cv-382-wmc

Pro se plaintiff Kevin Knope filed this lawsuit, seeking to proceed on a federal claim against defendant Matthew Kenny for shooting Anthony Robinson. Knope has requested leave to proceed *in forma pauperis*, so the court must screen his complaint pursuant to 28 U.S.C. § 1915(e)(2). In addressing any *pro se* litigant's complaint, the court must read the allegations of the complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). Even under this generous standard, however, Knope's complaint must be dismissed for lack of subject matter jurisdiction.

OPINION

Article III of the United States Constitution limits the exercise of federal judicial power to the resolution of actual "cases and controversies." *See* U.S. Const. art. III, § 2. To meet the case-or-controversy requirement, a plaintiff must have standing. An essential element of standing requires a plaintiff to demonstrate that he has personally suffered an "injury in fact," meaning an impingement on a legally-recognized interest that is concrete and particularized, actual or imminent, not conjectural or hypothetical. *Friends of the Earth*,

Inc. v. Laidlaw Env'tl. Servs., Inc., 528 U.S. 167, 180–81 (2000) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)). Knope's one-page complaint alleges only that he is suing Kenny for violating Robinson's constitutional rights, and the only relief he seeks is removal of Kenny from his official duties. Since Knope does not appear to have suffered any injury related to Robinson's death, Knope does not have standing to bring this lawsuit and it must be dismissed.

ORDER

IT IS ORDERED that:

1. Kevin Knope's motion for leave to proceed *in forma pauperis* (dkt. #5) is DENIED.
2. The proposed complaint is DISMISSED for lack of subject matter jurisdiction.

Entered this 19th day of October, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge